Constitution and By-Laws

of the

Cheyenne River Sioux Tribe

CONSTITUTION AND BYLAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

PREAMBLE

We, the Sioux Indians of the Cheyenne River Reservation in the State of South Dakota in order to establish our tribal organization, to conserve our tribal property, to develop our common resources, to establish justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and bylaws for our tribal council as a guide to its deliberations.

Article I - Territory

The jurisdiction of the Cheyenne River Reservation Sioux Tribe of Indians shall extend to the territory within the original confines of the diminished reservation boundaries, which are described by the act of March 2, 1889 (25 Stat. L 888), and including trust allotments without the herein mentioned boundaries and such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided for by law.

Article II - Membership

SECTION 1. The membership of the Cheyenne River Sioux Tribe shall consist of the following:

(a) All persons of Indian blood whose names appear on the official census roll of the Tribe as of June 18, 1934.

(b) All children born prior to the effective date of this amendment and to any member of the Cheyenne River Sioux Tribe who is a resident of the reservation at the time of the birth of said children.

(c) All children of 1/4 or more degree Cheyenne River Sioux Indian blood born after the effective date of this amendment and to a member of the Tribe who was a resident of the reservation at the time of the birth of said children.

SEC. 2. The tribal council shall have the power:

(a) To admit persons born before the effective date of this amendment of Cheyenne River Sioux Indian blood to membership upon a two-thirds (2/3) vote of the Tribal Council.

(b) To admit persons of one-fourth (1/4) or more Cheyenne River Sioux Indian blood born after the effective date of this amendment to membership upon two-thirds (2/3) vote of the Tribal Council.

(c) To strike from the census roll of the Cheyenne River Sioux Tribe any person who makes application to sever his tribal relations and thereafter such person shall cease his tribal relations and threafter such person shall cease to be a membr of the Cheyenne River Sioux Tribe of Indians. (As per Amendment No. III, effective June 18, 1980)

Article III - Governing Body

SECTION 1. The governing body of the Cheyenne River Sioux Tribe shall consist of a council, known as the Cheyenne River Sioux Tribal Council.

SEC. 2. The governing body under this constitution and by-laws shall be composed of one (1) tribal chairman, one (1) tribal secretary, and one (1) tribal treasurer; also fifteen (15) councilmen and such offices as from time to time may be created by the tribal council.

SEC. 3. The tribal chairman, the tribal secretary, and the tribal treasurer shall be elected at large by popular vote; councilmen shall be elected from each district or political subdivision of the reservation by the legal voters residing within the district or precinct from which such councilman is to be elected. There shall be thirteen (13) districts or voting precincts as hereinafter described in article III, section 4 of the by-laws. Councilmen shall be apportioned by and from each district or voting precinct of the reservation as follows:

1. Agency precinct, which shall include the Agency Swiftbird 1, and Shepard Bottom communities: One (1) delegate.
2. Bridger precinct, which shall include the Bridger community: One (1) delegate.
3. Cherry Creek precinct, which shall include the Cherry Creek community: One (1) delegate.
4. Red Scaffold precinct, which shall include the Red Scaffold community: Two (2) delegates.
5. Eagle Butte precinct, which shall include the Eagle Butte community: One (1) delegate.
6. Four Bear precinct, which shall include the Four Bear community: One (1) delegate.
7. Green Grass precinct, which shall include the Bear Creek, Green Grass, and Sans Arc communities: One (1) delegate.
8. Lantry precinct, which shall include the Upper Bear Creek community: One (1) delegate.
9. La Plant precinct, which shall include the La Plant and Ridgeview communities: Two (2) delegates.
10. Promise precinct, which shall include the Promise community: One (1) delegate.
11. Robertson precinct, which shall include the Black Feet and Swift Bird II communities: One (1) delegate.
12. Thunder Butte precinct, which shall include the Iron Lightning and East Thunder Butte communities: One (1) delegate.
13. White Horse precinct, which shall include the White Horse and the Black Tongue communities: One (1) delegate.

Provided: That the Cheyenne River Tribal Council shall have the power both to redistrict the reservation and its precincts and to reassign the number of councilmen to be elected from each district in proportion to the number of qualified voters residing therein, or on a population basis.

SEC. 4. The officers and councilmen provided for in section 2 of this article shall be elected for the following term of office; general elections will be held every two years on the first Tuesday after the first Monday in the month of September.

(a) The tribal chairman, tribal secretary, and the tribal treasurer first elected shall each serve until October 1, 1938; thereafter the term of office for these officials shall be four years.

(b) The councilmen elected at the first general election in no. 1, agency district or precinct; no. 2, Bridger district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 7, Green Grass district or precinct; one councilman from no. 9, La Plant district or precinct; no. 11, Robertson district or precinct; and no. 13, White Horse district or precinct shall be elected and hold office until October 1, 1938, when there shall be a general election for councilmen in these districts; thereafter councilmen shall hold office for a term of four (4) years.

(c) All other councilmen elected at the first general election from the no. 3, Cherry Creek district or precinct; one councilman from no. 4, Red Scaffold district or precinct; no. 5, Eagle Butte district or precinct; no. 6, Four Bear district or precinct; no. 8, Lantry district or precinct; one councilman from no. 9, La Plant district or precinct; no. 10, Promise district or precinct; and no. 12, Thunder Butte district or precinct shall hold office until October 1, 1940; thereafter councilmen shall hold office for a term of four (4) years.

SEC. 5. The first election of the tribal council members shall be held on call of the provisional committee which shall consist of twenty-six (26) members of the Cheyenne River Sioux Tribe of Indians, two (2) from each of the voting precincts on said reservation on October 27, 1934, and five Indian Service employees, which committee the superintendent of said reservation may appoint to supervise the election of officers and councilmen, within thirty (30) days after this constitution and bylaws has been approved by the Secretary of the Interior.

SEC. 6. This committee shall issue its certificate of election to the persons receiving the highest number of votes in each district in accordance with the quota assigned hereby to each of said districts provided for in article III, section 3.

The officers and councilmen so elected and certified to shall report at the Cheyenne River Agency within ten days after the election and take the oath of office. The reservation superintendent shall administer the oath of office.

Said officers and councilmen shall convene within thirty (30) days after the election and organize for business and elect one assistant chairman from their own membership.

SEC. 7. The tribal council shall have supervision and authority over all subsequent elections as provided through bylaws or resolutions hereafter enacted.

Article IV - Powers of Self-Government

SECTION 1. The tribal council of the Cheyenne River Reservation shall exercise the following powers vested in the present council under existing laws or conferred by the act of June 18, 1934 (48 Stat. 984) and acts amendatory thereof or supplemental thereto, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached bylaws.

(a) To enter into negotiations with the Federal, State, and local Governments on behalf of the tribe.

(b) To present and prosecute any claims or demands of the Cheyenne River Sioux Tribe of Indians. It shall have the right to assist members of the tribe in presenting their claims and grievances before any court or agency of government. It shall have the right to employ attorneys of record or representatives for such services, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold, except those tribal lands located outside of the Cheyenne River Reservation boundary, and outside of the Consolidation Area boundary lines established as of the date of the approval of Public Law 88-418 (August 11, 1964), and set out in tribal council action by Resolution No. 92-64 (September 2, 1964). Tribal lands may not be encumbered or leased for a period exceeding five years, except as provided for in Article VIII, Section 3. (As per Amendment No. 1, effective February 11, 1960)

(d) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of Budget and Congress.

(e) To receive voluntary relinquishments of allotments and heirship lands and to make assignments of tribal land to members of the Cheyenne River Sioux Reservation in conformity with article VIII of this constitution.

(f) To select subordinate boards, officials, and employees not otherwise provided for in this constitution and to prescribe their tenure and duties and to establish district councils; to authorize and establish any association or organization having for its purpose and sole object the benefit of the members of the Cheyenne River Sioux Tribe. Such association or organization shall have the right to engage in collective or cooperative bargaining or marketing, or purchasing of supplies, crops, equipment, seed, machinery, building or livestock, the council reserving the right to establish ordinances covering the activities of such association or organization, and to enforce the observance of such ordinances.

(g) To administer any funds or property within the control of the tribe; to make expenditures from available funds for public purposes, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures from the tribal council fund shall be by resolution duly passed by the council to that effect and the amount so paid shall be a matter of public record at all times.

(h) The council shall have the power when just cause or extreme emergency exists, which shall create a hazard to the peace and safety of the tribe as a whole or to the individual members thereof, to require the individual members of the tribe or other residents upon the reservation to assist with community labor.

(i) To create and maintain a tribal council fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents, and not to exceed one dollar ($1.00) per year, per capita on the qualified voters of the Cheyenne River Sioux Tribe, and to require the performance of community labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than six months after the date of said levy; and to levy taxes and license fees subject to review by the Secretary of the Interior, upon non-members doing business with the reservation. Any money so collected shall be disposed of as provided for in article IV, section 1 (g) of this constitution.

(j) To provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the territory of the Cheyenne River Sioux Tribe of any non-members whose presence may be injurious to the members of the tribe morally or criminally.

(k) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Cheyenne River Reservation, and to establish courts for the adjudication of claims or disputes arising among the members of the tribe and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances.

(l) To purchase under condemnation proceedings, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(m) To protect the public health and morals and to promote the public welfare by regulating the use and disposition of property of members of the tribe.

(n) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Cheyenne River Sioux Reservation, subject to review by the Secretary of the Interior.

(o) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

(p) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

SEC. 2. Manner of review. - Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such rescission.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority popular vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. - The council shall have the power to act on such other necessary or emergency cases as may be delegated to the tribe by the Secretary of the Interior, or by any other official or agency of the Government.

SEC. 4. Reserved powers. - The foregoing enumeration of powers shall not be construed to limit the powers of the tribal council, but all powers of local government not expressly entrusted to the council by this constitution and bylaws shall be reserved to the legal voters of the Cheyenne River Tribe. Such powers may be exercised through appropriate bylaws and constitutional amendments.

Article V - Elections and Nominations

SECTION 1. All enrolled members of the Cheyenne River Tribe, 21 years of age or over, who have maintained legal residence on the reservation for a period of one year immediately prior to any election shall have the right to vote.

SEC. 2. No person shall be a candidate for membership in the tribal or district council or other tribal office unless he shall be a member of the Cheyenne River Sioux Tribe, and shall have resided for a period of one year next preceding the election in the district of his candidacy, and he shall be over twenty-five (25) years of age.

SEC. 3. Any member of the tribe may become a candidate for any office upon the signed petition of at least ten (10) legal voters from the district where he is declared to be a legal resident.

Any legal member of the tribe shall be considered a candidate for office when certified by the district council or other authorized organization of the district presenting his candidacy.

SEC. 4. When any election is to be held on any or at all the districts, the chairman of the tribal council shall appoint a superintendent of an election in each of said districts, and the superintendent so appointed shall have power to appoint two (2) judges and two (2) ballot clerks, which will constitute the election board. The duties of this election board shall be to supervise the election.

Article VI - Removal from Office

SECTION 1. If any officer or member of the tribal council shall absent himself from any three (3) consecutive regular or special meetings without sufficient reason, the other members may declare the office vacant by two-thirds (2/3) vote of the council.

SEC. 2. Any officer or member of the tribal council convicted by Federal, State, or Indian court may be removed from office by two-thirds (2/3) vote of the council.

SEC. 3. If any vacancies occur in the membership of the tribal council through resignation, recall, impeachment, or death, the district council wherein he resides and is elected from shall proceed to elect a new councilman to finish the unexpired term of such member.

SEC. 4. Recall. - Every person elected to a tribal office by the Sioux Indians of the Cheyenne River Indian Reservation is subject to recall from such office upon petition of 40% of the electors of the reservation, or the district or voting precinct, qualified to vote for such office, but no recall election shall be held without the approval of the council.

SEC. 5. The ballot used at such election shall contain the question: "Shall _____ _____ be recalled from office on the Cheyenne River Tribal Council?" and shall contain a space opposite such question, in which shall appear the words "Yes - No", and the voter shall indicate by making a mark as to whether he wishes to vote for or against the recall of the member so named.

SEC. 6. No member of the council shall take part in the deliberations of the council, nor shall he have a vote in balloting upon any matter pertaining to any recall election or the results thereof when such member shall be the one whom it is proposed to recall.

Article VII - Referendum

SECTION 1. Upon a petition of at least three hundred (300) qualified voters of the Cheyenne River Sioux Reservation a referendum may be demanded on any enacted or proposed ordinance or resolution of the Cheyenne River Sioux Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

Article VIII - Land

SECTION 1. Allotted lands. - Allotted lands, including heirship lands, within the Cheyenne River Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of South Dakota or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Cheyenne River Sioux Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Cheyenne River Sioux Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. - The unallotted lands of the Cheyenne River Reservation and all lands which may hereafter be acquired by the Cheyenne River Sioux Tribe or by the United States in trust for the Cheyenne River Sioux Tribe shall be held as tribal lands, and no part of such lands shall be sold, except those tribal lands located outside of the Cheyenne River Reservation boundaries, and outside of the Consolidation Area boundary lines established as of the date of the approval of Public Law 88-418 (August 11, 1964), and set out in tribal council action by Resolution No. 92-64 (September 2, 1964). Tribal lands shall not be mortgaged, nor allotted to individual Indians, but may be assigned to members of the Cheyenne River Sioux Tribe or leased or otherwise used by the tribe, as hereinafter provided. (As per Amendment No. I, effective February 11, 1966)

SEC. 3. Leasing of tribal lands. - Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior for public, religious, educational, recreational, residential, or business purposes for a period not to exceed 25 years and may include a provision authorizing a renewal or an extension for one additional term of not to exceed 25 years, but no one lease or contract shall be for a tract in excess of 160 acres.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior. Such grazing permits shall not exceed a term of five years.

In the leasing of tribal lands and the issuance of grazing permits preference shall be given first to Indian cooperative associations, and, secondly, to individual Indians, who are members of the Cheyenne River Sioux Tribe. No lease of tribal land to a non-member or the issuance of a grazing permit to a non-member shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use. (As per Amendment No. II, effective February 11, 1966)

SEC. 4. Grant of "standard" assignments. - In any assigment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land, or other land or interests in land of equal value, such unit to be determined from time to time by the tribal council.

The tribal council may, if it sees fit, charge a fee of not to exceed $25 on approval of an assigment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SEC. 5. Tenure of "standard" assignments. - If any member of the tribe holding a "standard" assignment of land shall, for a period of two (2) years, fail to use the land so assigned, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land, may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or by written request shall have a preference in the reassignment of the land, provided such persons are members of the Cheyenne River Sioux Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "exchange" assignment. - Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for any assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a large grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SEC. 7. Leasing of "exchange" assignments. - "Exchange" assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of "exchange" assignments. - Upon the death of the holder of any "exchange" assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reasssigned to any heirs or devisees who are not members of the Cheyenne River Sioux Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts to be determined from time to time by the council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than sixty (60) acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the conveniences of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. - Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Cheyenne River Sioux Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. Exchange of assignments. - Assignments may be exchanged between members of the Cheyenne River Sioux Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land. - Tribal land which is not assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. Purchase of land by the tribe. - Tribal funds may be used with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Cheyenne River Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Cheyenne River Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the tribe may be purchased by the tribe, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. - Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officers in charge of the agency, a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

Article IX - Amendments

SECTION 1. This constitution and the appended bylaws may be amended by a majority of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior, upon presentation of a petition signed by at least two hundred (200) legal voters of the tribe, and upon request by the council, to call an election on any proposed amendment.

BYLAWS OF THE CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

Article I - Duties of Officers

SECTION 1. It shall be the duty of the chairman to preside at all meetings of the council. He shall have a vote only when a tie occurs.

SEC. 2. In the absence of the regular chairman the assistant chairman shall preside and he shall have all powers, privileges, and duties of the regular chairman, and may cast a vote in the case of a tie.

SEC. 3. It shall be the duty of the tribal secretary to keep a true and accurate record of all matters affecting the tribal records and accounts, and to render a proper accounting of such records and statistics as are required by the tribal council. He shall be present at all meetings of the council and shall keep an accurate record of all council proceedings, including the minutes of each special and regular meeting.

(a) Minutes of all special or regular meetings shall be in triplicate, the original copy to be filed at the Cheyenne Agency Tribal Office, one copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

(b) The secretary shall have voice in the deliberations of the council, but shall not vote.

SEC. 4. The duties of the treasurer of the tribal council shall be as follows: He shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report all receipts and expenditures and accounts and the nature of all funds in his possession or custody, once every six months to the tribal council in writing, or at any time he is requested to do so by the tribal council.

(a) He shall not disburse any funds in his custody belonging to the council except when authorized by a motion duly passed and properly recorded by the council.

(b) He shall be present at all special or regular meetings of the council, but will have no voice or vote in the deliberations of the council, only when making reports or to furnish the necessary information required by the council.

(c) The treasurer shall be required to furnish a bond satisfactory to the council.

(d) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

SEC. 5. There shall be a sergeant-at-arms and he will be appointed by the tribal council.

(a) It shall be his duty to be present at all meetings of the tribal council, and to maintain order and decorum within the council chamber; he shall serve all summonses emanating from the council, and shall perform such other duties as may be designated by the council. He shall have no voice or vote in the deliberations of the council, except when making reports or furnishing information requested by the council.

Article II - Qualifications of Office

Any person elected as an officer or councilman must be a Sioux Indian, enrolled on the Cheyenne River Reservation, and over twenty-five (25) years of age at the time of his or her election.

(a) No employee of the Indian Service shall be elected as an officer or councilman.

(b) No person convicted of felony shall be elected as an officer or councilman.

(c) The Tribal Council shall be the sole judge of the qualifications of its own members.

(d) All councilmen must be elected from their respective districts, and be a resident of the district of which they are elected.

Article III - District or Precinct Organization, Elections, and Certification

SECTION 1. Each voting precinct established under this constitution as provided in article III, section 4, shall elect at the first general election and biannually thereafter a president, secretary, and treasurer. These district officials shall hold office for a term of two years. The president shall call and preside over all councils of the community whenever necessary for the consideration of matters of local interest and may exercise such further powers as may be delegated to him by the tribal council. He shall file with the tribal council and certify all nominations for office within the precinct and at large, according to section 3, article V of this constitution. The actions of the precinct officers shall not be inconsistent with the constitution and bylaws and ordinances of the tribe. A tribal councilman, in addition to the office of tribal councilman, may hold any of these district offices if elected to such office by the voters of his district.

SEC. 2. It shall be the duty of the district council to see that all nominations for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution, and to certify as to the legality of such nominations, otherwise it shall be considered illegal and ineffective by the tribal council.

SEC. 3. All tribal elections for officers shall be canvassed and certified by the council, or a board appointed by them, the results of such elections. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the council within five (5) days after such elections.

SEC. 4. All necessary details concerning tribal nominations and elections not specifically covered in these bylaws or in the constitution, shall be more fully set forth in ordinances to be hereafter established by the council.

SEC. 5. Each district or voting precinct established under section 3 of article III of the constitution are hereby outlined by legal subdivisions, as follows:

No. 1. Agency district. - Beginning at a point on the west bank of the Missouri River, following the township line west to the SE. corner of section 36, township 14 north, range 29 east; thence south to the southeast corner of section 36, township 13 north, range 29 east; thence west to the southwest corner of said section 36; thence south along the range line to where it intersects the west bank of the Missouri River; thence north and east along the west bank of the Missouri River to the point of beginning.

No. 2. Bridger district. - Beginning at a point on the north bank of the Cheyenne River where the range line dividing ranges 19 east and range 20 east intersects said Cheyenne River; thence north to the township line dividing townships 8 and 9 north; thence west along said township line to the west boundary line of the Cheyenne River Reservation; thence south along said line to the Cheyenne River; thence east along the north bank of said Cheyenne River to the point of beginning.

No. 3. Cherry Creek district. - Beginning at a point on the north bank of the Cheyenne River where the range line between ranges 22 east and 23 east intersect said river; thence north following said range line to the township line dividing townships 10 and 11 north; thence west to the southeast corner of section 36, township 11 north, range 20 east; thence south to the southeast corner of section 36, township 9 north, range 20 east; thence west to a point to the range line dividing ranges 19 and 20 east; thence south along said range line to the north bank of the Cheyenne River; thence along the bank of the Cheyenne River to the point of beginning.

No. 4. Red Scaffold district. - Beginning at the southeast corner of section 36, township 9 north, range 20 east; thence north along the range line to the southeast corner of section 36, township 12 north, range 20 east; thence west along the township line to the west boundary line of the said Cheyenne River Reservation; thence south along said reservation boundary line to where the township line dividing townships 8 north and 9 north intersect said boundary line of the reservation; thence east along said township line to the point of beginning.

No. 5. Eagle Butte district. - Beginning at a point on the north bank of the Cheyenne River where the range line dividing range 26 east and range 27 east intersect said river; thence north to the right-of-way to the Chicago, Milwaukee and Pacific Railroad; thence along said right-of-way across section 36, township 13 north, range 26 east; thence north following the township line to the southeast corner of section 36, township 14 north, range 26 east; thence west to the southeast corner of section 36, township 14 north, range 22 east; thence south to the southeast corner of section 18, township 12 north, range 23 east; thence west to the southeast corner of section 13, township 12 north, range 21 east; thence south to the southeast corner of section 36, township 11 north, range 21 east; thence east to the southeast corner of section 36, township 11 north, range 22 east; thence south along the range line to the north bank of the Cheyenne River; thence following the said Cheyenne River in a northeasterly direction to the point of beginning.

No. 6. Fourbear district. - Beginning on the west bank of the Missouri River at a point where the township line dividing townships 15 and 16 north intersect said river; thence west to the southeast corner of section 36, township 16 north, range 29 east; thence south along the range line to the southeast corner of section 36, township 14 north, range 29 east; thence east along the township line to where it intersects the west bank of said Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 7. Green Grass district. - Beginning at the southeast corner of section 36, township 14 north, range 26 east; thence north to the southeast corner of section 36, township 15 north, range 26 east; thence west to the southeast corner of section 36, township 15 north, range 24 east; thence north to the southeast corner of section 36, township 16 north, range 24 east; thence west to the southeast corner of section 36, township 16 north, range 23 east; thence north following the range line to the north boundary line of the Cheyenne River Reservation; thence west to the northeast corner of section 2, township 17 north, range 22 east; thence south to the south boundary line of township 17 north; thence east to where the range line dividing ranges 22 and 23 east intersect said township line; thence south along said range line to the southeast corner of section 36, township 14 north, range 22 east; thence east along the township line to the point of beginning.

No. 8. Lantry district. - Beginning at the southeast corner of section 18, township 12 north, range 22 east; thence due north to the southeast corner of section 1, township 15 north, range 22 east; thence west to the southeast corner of section 1, township 15 north, range 21 east; thence south along the range line to the southeast corner of section 13, township 12 north, range 21 east; thence west to the point of beginning.

No. 9. LaPlant district. - Beginning at a point on the west bank of the Missouri River where the range line dividing ranges 29 and 30 east intersects said river; thence north following said range line to the southeast corner of section 13, township 15 north, range 29 east; thence west to the southeast corner of section 18, township 15 north, range 28 east; thence south to the southeast corner of section 31, township 15 north, range 28 east; thence west to the southeast corner of section 36, township 15 north, range 26 east; thence south following the range line to the north bank of the Cheyenne River; thence meandering along the banks of said Cheyenne River and the Missouri River to the point of beginning.

No. 10. Promise district. - Beginning at the southeast corner of section 13, township 15 north, range 29 east; thence north to the north boundary line of the said Cheyenne River Reservation; thence west along said boundary line to the northeast corner of section 1, township 17 north, range 27 east; thence south to the southeast corner of section 18, township 15 north, range 28 east; thence east to the point of beginning.

No. 11. Robertson precinct. - Beginning at a point where the north boundary line of the Cheyenne River Reservation intersects the Missouri River; thence west to the northeast corner of section 1, township 17 north, range 29 east; thence south following the range line to the southeast corner of section 36, township 16 north, range 29 east; thence east following said township line to the west bank of the Missouri River; thence north along the west bank of the Missouri River to the point of beginning.

No. 12. Thunder Butte district. - Beginning at the southeast corner of section 36, township 11 north, range 21 east; thence north following the range line to the southeast corner of section 1, township 15 north, range 21 east; thence east to the southeast corner of section 1, township 15 north, range 22 east; thence north following the section line to the north boundary line of the Cheyenne River Reservation; thence west following the said boundary line to the northwest corner of the said Cheyenne River Reservation; thence south following the west boundary line of said Cheyenne River Reservation to the south boundary line of township 12 north; thence east to the southeast corner of section 36, township 12 north, range 20 east; thence south to the southeast corner of section 36, township 11 north, range 20 east; thence east following the township line to the point of beginning.

No. 13. White Horse district. - Beginning at the southeast corner of section 31, township 15 north, range 28 east; thence due north to the north boundary line of the Cheyenne River Reservation; thence west to the northeast corner of section 1, township 17 north, range 23 east; thence south along the range line to the southeast corner of section 36, township 16 north, range 23 east; thence east to the southeast corner of section 36 township 16 north, range 24 east; thence south to the southeast corner of section 36, township 15 north, range 24 east; thence east to the point of beginning.

Article IV - Meetings and Procedure

SEC. 1. Immediately after the election of members of the tribal council and said elected members are duly certified as provided for in article III, section 6, the members shall assemble at the Cheyenne Agency and organize for business, and appoint one sergeant-at-arms.

SEC. 2. The council shall meet regularly on the first Tuesday of each month. The meetings shall be held at the agency office or other building provided for such purpose.

SEC. 3. Special meetings of the council shall be held at such times as are designated by the chairman, and he shall notify the members at least twenty-four (24) hours before the date of such meeting.

SEC. 4. At any special or regular meeting of the tribal council with two-thirds (2/3) of the members present it shall constitute a quorum, and the council may proceed to transact any business that may come before it. Without a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the council shall also be held upon written request of either seven (7) members of the council or by petition signed by one hundred (100) legal voters of the tribe. Such written request shall be filed with the chairman or the secretary of the council, and he shall notify the council members twenty-four (24) hours before the date of such council meeting.

SEC. 6. All sessions of the tribal council (except executive) shall be open to all members of the tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer shall direct.

SEC. 7. The council may, upon motion duly passed, go into executive sessions. At such sessions all persons shall be excluded from the council chamber, and any such person whose presence shall be required before the council shall be designated by the chairman, and no other persons shall be allowed to be present other than the members of the council and the secretary.

SEC. 8. The order of business at any regular or special meeting of the tribal council shall be as follows:

(a) Council called to order for session.
(b) Roll call.
(c) Prayer by an authorized person.
(d) Opening address by the presiding officer or by others.

(e) Reading and acceptance of minutes of previous meetings.
(f) Reports of standing committee.
(g) Reports of council treasurer.
(h) Reports of the special committees.
(i) Reports of the board of directors or advisors.
(j) Reading of communications and reports.
(k) Impeachment trials.
(l) Installation of new officers.
(m) Unfinished business.
(n) New business.
(o) Appointment of committees and directors.
(p) Adjournment.

SEC. 9. It shall be the duty of the council to exercise care and caution to the end that a complete record is preserved of all acts of the council and of all committees appointed therefrom. Accurate copies of all such records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere as may be required.

SEC. 10. All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Cheyenne River Sioux Tribe or his authorized representative, or any properly authorized officer or employee of any Government department shall have full access to same during business hours. However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 11. Copies of all leases, contracts, deeds, or assignments and all other papers or documents pertaining to lands of any nature on the reservation shall be carefully preserved by the council, and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the council and to the individual members of the tribe; and duplications of all such documents shall be deposited in the files of one agency.

Article V - Tribal Court (Judicial Code)

SECTION 1. (a) It shall be the duty of the council to provide, through the necessary bylaws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have jurisdiction over all such petty offenses not falling within the exclusive jurisdiction of Federal or State courts, as may be provided in the ordinances of the tribe.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties provided that jurisdiction over Indian employees of the Indian Service shall be subject to rules and regulations prescribed by the Secretary of the Interior.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate bylaws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation, the authority and duties of this police force under which it will function may be outlined by the council, such police to be employees of the council and shall be an agency of the tribal court.

Article VI - Relation Between Federal and Tribal Government

SECTION 1. The Indians of the Cheyenne River Reservation recognize their inability to control or assume all responsibilities of administration, such as: The supervision of health and educational services; employees of the Federal Government through whom we must make contact with the administrative office in Washington to manage wholly our internal affairs; and matters over which the tribal council has no authority.

Article VII - Law of Property

SECTION 1. It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The council shall pass ordinances for the control of hunting and fishing upon the reservation, not conflicting with any of the Federal or State game laws. The council shall enforce such ordinances and cooperate with Federal and State authorities for protection of game on the reservation. Further, the council may issue licenses for hunting and fishing and shall establish and act for same.

Article VIII - Public Welfare

SECTION 1. Charity. - (a) The council at all times determines in careful manner what constitutes just cause for charity or financial aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies for relief.

(b) The council shall designate persons who shall administer charity work on the reservation, and the solicitation and expenditure of charity funds conducted in a systematic manner and that the right to do so may not be abused. It shall seek and cooperate with such charity organizations and thereby render assistance or aid to the poor and needy.

(c) The council shall at all times endeavor to discuss and eliminate the cause for indigency, exercising wise and judicious supervision and management of the affairs of the finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. Education. - (a) The council shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with nonreservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible advantage, attaining that degree of education that will fit them to meet and take part in the modern civilization and advancement.

SEC. 3. Social welfare. - (a) The council shall encourage and promote among the residents of the reservation by every practical means a proper system of social and home education in home economics, hygiene, home demonstrations, agronomy and farm demonstrations, with the cooperation of State, County, and Federal departments, and agencies which seek to promote such social welfare and agricultural development work.

Article IX - Loans

The tribal council shall act upon all applications for loans under a revolving fund or reimbursable regulations for the purchase of property, stock, or equipment, or loans to Indians, for the payment of tuition for higher education or trade schools, out of the allotment to the Cheyenne River Reservation as provided in the act of June 18, 1934 (48 Stat. 984), for such purposes.

Article X - Application for Funds

The tribal council shall act in an advisory capacity upon all applications to the superintendent for the withdrawal from the United States Treasury of trust funds, Sioux benefits, or the Cheyenne River Reservation 3% funds, or any other tribal funds, may adopt rules and regulations not in conflict with law, subject to the approval of the superintendent governing withdrawal of individual Indian money.

Article XI - Tribal Claims

The council shall make a thorough survey, research, investigation, and study of the history and title of all lands which are now tribal in character or that have been tribal in character in times past and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands, which it shall find to have been unlawfully removed from the present jurisdiction of the tribe and without just compensation.

Article XII - Guardianship

The council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded, and shall see that the administration of such funds and other assets shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and that such reports be matters of public record, with the exception of the trust funds and individual Indian money, upon the approval of the Secretary of the Interior, which is deposited and supervised by the superintendent.

Article XIII - National Sioux Council

The tribal council shall have the further power to select delegates to sit in national councils of the entire Sioux Nation. Said national council of the Sioux Nation shall be formed by the meeting of said delegates whenever five (5) of the following Sioux Tribes shall adopt a constitution containing a provision similar to this: Standing Rock, Cheyenne River, Lower Brule, Crow Creek, Pine Ridge, Rosebud, Santee, Fort Peck.

Article XIV - Adoption

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Sioux Tribe of the Cheyenne River Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 29, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the Cheyenne River Tribe of Sioux Indians and were on December 7, 1935, duly ratified by a vote of 576 for, and 366 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong).

HARRY F. C. WOODS,
Chairman of Election Board.

LUKE GILBERT,
Chairman of Cheyenne River Sioux Tribal Council.

JAMES E. HIHAWK,
Tribal Secretary.

WALTER F. DICKENS,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Cheyenne River Tribe of Sioux Indians. All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Cheyenne River Tribe of Sioux Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended December 23, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
(SEAL)

WASHINGTON, D. C., December 27, 1935.